

# **EXHIBIT A**

**From:** [info@DaVinciAntitrustClassAction.com]  
**To:** [POTENTIAL CLASS MEMBER EMAIL ADDRESS]  
**Subject:** In Re: Da Vinci Surgical Robot Antitrust Litigation

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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

**SUMMARY NOTICE OF PENDING CLASS ACTION**

**If you purchased EndoWrists and service for a da Vinci surgical robot, a class action lawsuit may affect your rights.**

*Para una notificación en español, visite [www.DaVinciAntitrustClassAction.com](http://www.DaVinciAntitrustClassAction.com).*

**NOTICE OF PENDING CLASS ACTION**

You could be affected by a pending class action lawsuit that Plaintiff hospitals brought against Intuitive Surgical, Inc. (“Intuitive”). The case is *In Re: Da Vinci Surgical Robot Antitrust Litigation*, No. 21-cv-0382 (N.D. Cal.). The Court decided that this lawsuit should be tried to a jury as a class action on behalf of a group, or “class,” of entities that could include you. No monetary or other benefits are available now because the lawsuit is not resolved. There is no guarantee they will ever be available. If they do become available, you will be notified about how to seek a share in any recovery, unless you choose to exclude yourself from this lawsuit (see below).

**WHAT IS THIS CASE ABOUT?**

Plaintiffs allege that Intuitive violated federal antitrust laws by engaging in anticompetitive tying, exclusive dealing, and monopolization of an alleged market for the repair and replacement of EndoWrist instruments and an alleged market for da Vinci service. Plaintiffs allege that Intuitive requires hospitals and other surgery centers that wish to obtain a da Vinci robot to agree to (a) purchase EndoWrists only from Intuitive; (b) refrain from servicing, repairing, or modifying EndoWrists or hiring independent repair companies (IRCs) to do so; (c) discard EndoWrists when they reach Intuitive’s pre-set use limit (typically 10); and (d) use only Intuitive to service the da Vinci robot. Plaintiffs claim that absent Intuitive’s allegedly anticompetitive conduct, da Vinci robots and EndoWrists could be safely repaired and serviced by IRCs instead of Intuitive, resulting in lower prices and more options for hospitals and surgery centers. Plaintiffs seek monetary and injunctive relief as a result of these alleged violations.

Intuitive denies that it did anything wrong and maintains that its conduct and contracts have been reasonable, lawful, and procompetitive. Intuitive disputes Plaintiffs’ alleged markets and denies that it has monopolized those alleged markets or engaged in any other violation of the federal antitrust laws. Intuitive disputes Plaintiffs’ allegation that third-party modification of EndoWrists constitutes repairs.

If the class action does not resolve prior to trial, Plaintiffs will have to prove their claims in Court.

**ARE YOU INCLUDED?**

The Court certified a class (the “Class”) defined as: All entities that purchased da Vinci service and EndoWrists from Intuitive in the United States at any time from May 21, 2017, to December 31, 2021. The Class does not include hospitals run by the Departments of Defense and Veterans Affairs and any entity that excludes itself.

If you have questions about membership in the Class, please visit [www.DaVinciAntitrustClassAction.com](http://www.DaVinciAntitrustClassAction.com).

**WHO REPRESENTS YOU?**

The Court has appointed the law firms Spector Roseman & Kodroff P.C., Hausfeld LLP, and Cohen Milstein Sellers & Toll PLLC to represent the Class as “Plaintiffs’ Co-Lead Counsel.” You don’t have to pay Plaintiffs’ Co-Lead Counsel or anyone else to participate. Instead, if Plaintiffs’ Co-Lead Counsel get money or other benefits for members of the Class, they will ask the Court for attorneys’ fees and costs. Any fees and costs would be deducted from money obtained or paid separately by Intuitive. You may hire your own lawyer to appear in Court for you, but if you do, you will have to pay that lawyer.

### WHAT ARE YOUR OPTIONS?

**If you are a member of the Class, you may choose either to exclude yourself or do nothing.**

**Exclude Yourself:** If you exclude yourself from the Class, you will keep your right to file or participate in any other lawsuit against Intuitive regarding the claims and factual allegations that this lawsuit raised or could have raised. But you will not be allowed to seek a share of any monetary benefits that may become available through this lawsuit. To exclude yourself from the Class, you must send a letter by email or mail (postmarked) by **[Month 00, 2026]** stating that you wish to opt out. You must include (1) the name and address of the entity opting out; (2) the name, address, telephone number, email address, title, and signature of the person opting out on the entity’s behalf; (3) a statement that the entity wishes to opt out of the Class in *In Re: Da Vinci Surgical Robot Antitrust Litigation*; and (4) a statement that the person opting out on the entity’s behalf has authority to do so. You must send your letter by email to [info@DaVinciAntitrustClassAction.com](mailto:info@DaVinciAntitrustClassAction.com), or by mail to *In Re: Da Vinci Surgical Robot Antitrust Litigation* Exclusions, PO Box 173001, Milwaukee, WI 53217.

**Do Nothing:** If you do nothing, you will be bound by the outcome of this lawsuit, and you may seek a share of any monetary benefits that may become available. But you will not be able to file or participate in any other lawsuit against Intuitive regarding the claims and factual allegations that this lawsuit raised or could have raised.

### HOW CAN YOU GET MORE INFORMATION?

Important information about this lawsuit is available in the Detailed Notice at [www.DaVinciAntitrustClassAction.com](http://www.DaVinciAntitrustClassAction.com) or by request from the Notice Administrator. You can contact the Notice Administrator by email at [info@DaVinciAntitrustClassAction.com](mailto:info@DaVinciAntitrustClassAction.com), by mail at: *In Re: Da Vinci Surgical Robot Antitrust Litigation*, PO Box 173081, Milwaukee, WI 53217, or by phone at 1-888-208-9630.

The deadlines contained in this Notice may be amended by order of the Court, so please check [www.DaVinciAntitrustClassAction.com](http://www.DaVinciAntitrustClassAction.com) for updates.

You should review the Detailed Notice to inform yourself further of your rights in this lawsuit.

Please do not contact the Court for information about this lawsuit.

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